

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

COREY D. MARTIN,

Petitioner,

- vs -

5:06-CV-312

SECRETARY OF THE ARMY and COMMANDER,
10th MOUNTAIN DIVISION (LI), Fort Drum, New
York,

Respondents.

APPEARANCES:

OF COUNSEL:

COSTELLO COONEY & FEARON
Attorneys for Petitioner
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SAMUEL C. YOUNG, ESQ.

HON. GLENN T. SUDDABY
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CHARLES E. ROBERTS, ESQ.
Assistant U.S. Attorney

DAVID N. HURD
United States District Judge

ORDER

The respondents have moved to dismiss the petition as now moot pursuant to
Fed. R. Civ. P. 12(b)(1). (Docket No. 11). The petitioner does not oppose. (Docket No. 12).

Therefore, it is

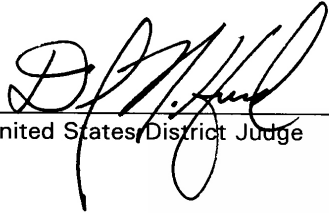
ORDERED that

1. The motion to dismiss is GRANTED; and

2. The petition is DISMISSED as moot.

The Clerk is directed to enter Judgment accordingly.

IT IS SO ORDERED.


United States District Judge

Dated: September 15, 2006
Utica, New York.